

No. 37  
STATE OF MICHIGAN  
**Journal of the Senate**  
99th Legislature  
REGULAR SESSION OF 2018

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Senate Chamber, Lansing, Wednesday, April 18, 2018.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Brian N. Calley.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Ananich—present  
Bieda—present  
Booher—present  
Brandenburg—present  
Casperson—present  
Colbeck—present  
Conyers—present  
Emmons—present  
Green—present  
Gregory—excused  
Hansen—present  
Hertel—present  
Hildenbrand—present

Hood—present  
Hopgood—present  
Horn—present  
Hune—present  
Jones—present  
Knezek—present  
Knollenberg—present  
Kowall—present  
MacGregor—present  
Marleau—present  
Meekhof—present  
Nofs—present

O'Brien—present  
Pavlov—present  
Proos—present  
Robertson—present  
Rocca—present  
Schmidt—present  
Schuitmaker—present  
Shirkey—present  
Stamas—present  
Warren—present  
Young—present  
Zorn—present

Senator Rick Jones of the 24th District offered the following invocation:

Heavenly Father, we thank You for this beautiful day in the great state of Michigan. Guide us as we do the work for the people and work very hard to make this a better state for every citizen. Watch over the men and women serving overseas. Keep them safe and help them return home.

In Jesus' name. Amen.

The President, Lieutenant Governor Calley, led the members of the Senate in recital of the *Pledge of Allegiance*.

### Motions and Communications

Senator Hansen entered the Senate Chamber.

Senator Kowall moved that Senators Casperson, Hildenbrand, Knollenberg, Nofs and Robertson be temporarily excused from today's session.

The motion prevailed.

Senator Nofs entered the Senate Chamber.

Senator Hood moved that Senators Conyers and Young be temporarily excused from today's session.

The motion prevailed.

Senator Hood moved that Senator Gregory be excused from today's session.

The motion prevailed.

Senator Knollenberg entered the Senate Chamber.

The following communication was received and read:  
Office of the Senate Majority Leader

April 18, 2018

I would like House Bill 4971 re-referred to the Senate Committee on Local Government.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,  
Arlan Meekhof  
30th Senate District  
Senate Majority Leader

The communication was referred to the Secretary for record.

Senator Hildenbrand entered the Senate Chamber.

The following communication was received:  
Department of State

April 12, 2018

In accordance with Article VIII, Part 2, Section 703 of Public Act 107 of 2017, we have attached a Record Look-Up Fee quarterly report for the Michigan Department of State (MDOS) for the first quarter of FY 2018.

Revenue collected during the second quarter of FY 2017 and FY 2018 were \$14,013,033 and \$14,582,060 respectively. Data used in the preparation of this report was obtained from SIGMA Business Intelligence and the MDOS Revenue Interface Branch Report.

Sincerely,  
Cindy Paradine, Director  
Office of Financial Services

The communication was referred to the Secretary for record.

Senators Casperson and Robertson entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of  
**General Orders**

Senator Kowall moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Calley, designated Senator Proos as Chairperson.

After some time spent therein, the Committee arose; and the Assistant President pro tempore, Senator O'Brien, having assumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

**House Bill No. 4945, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 657a (MCL 257.657a), as added by 2014 PA 491.

The bill was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

**Senate Bill No. 887, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 2 (MCL 205.92), as amended by 2018 PA 1. Substitute (S-4).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

**House Bill No. 4628, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 10a.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

Senator Conyers entered the Senate Chamber.

By unanimous consent the Senate returned to the order of  
**Messages from the House**

Senator Kowall moved that consideration of the following bills be postponed for today:

**Senate Bill No. 35**

**Senate Bill No. 551**

The motion prevailed.

**Senate Bill No. 841, entitled**

A bill to amend 1917 PA 72, entitled "Uniform partnership act," by amending section 46 (MCL 449.46), as added by 1994 PA 323.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Third Reading of Bills**

Senator Kowall moved that the following bills be placed at the head of the Third Reading of Bills calendar:

**House Bill No. 5012**

**Senate Bill No. 844**

**Senate Bill No. 803**

**Senate Bill No. 804**

**House Bill No. 5644**

**House Bill No. 5646**

**House Bill No. 5669**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 5012, entitled**

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 862 and 879 (MCL 168.862 and 168.879), section 862 as amended by 2003 PA 302 and section 879 as amended by 1999 PA 216.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 206**

**Yeas—27**

Booher	Hildenbrand	Marleau	Rocca
Brandenburg	Horn	Meekhof	Schmidt
Casperson	Hune	Nofs	Schuitmaker
Colbeck	Jones	O’Brien	Shirkey
Emmons	Knollenberg	Pavlov	Stamas
Green	Kowall	Proos	Zorn
Hansen	MacGregor	Robertson	

**Nays—8**

Ananich	Conyers	Hood	Knezek
Bieda	Hertel	Hopgood	Warren

**Excused—2**

Gregory	Young
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**Not Voting—0**

In The Chair: O’Brien

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 844, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 33a of chapter IX (MCL 769.33a), as added by 2014 PA 465.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 207**

**Yeas—35**

Ananich	Hansen	Knollenberg	Robertson
Bieda	Hertel	Kowall	Rocca
Booher	Hildenbrand	MacGregor	Schmidt
Brandenburg	Hood	Marleau	Schuitmaker
Casperson	Hopgood	Meekhof	Shirkey
Colbeck	Horn	Nofs	Stamas
Conyers	Hune	O’Brien	Warren
Emmons	Jones	Pavlov	Zorn
Green	Knezek	Proos	

**Nays—0**

**Excused—2**

Gregory	Young
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**Not Voting—0**

In The Chair: O’Brien

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 803, entitled**

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 519 (MCL 436.1519).

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 208**

**Yeas—35**

Ananich	Hansen	Knollenberg	Robertson
Bieda	Hertel	Kowall	Rocca
Booher	Hildenbrand	MacGregor	Schmidt
Brandenburg	Hood	Marleau	Schuitmaker
Casperson	Hopgood	Meekhof	Shirkey
Colbeck	Horn	Nofs	Stamas
Conyers	Hune	O’Brien	Warren
Emmons	Jones	Pavlov	Zorn
Green	Knezek	Proos	

**Nays—0**

**Excused—2**

Gregory

Young

**Not Voting—0**

In The Chair: O’Brien

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 804, entitled**

A bill to amend 1978 PA 260, entitled “An act to revise and codify the laws relating to blind persons and persons with a visual disability; to create a commission; to prescribe its powers and duties and those of other state agencies relative to blind persons; to provide services, education, training, and assistance to blind persons; to regulate concessions operated by blind persons; to transfer powers, duties, functions, and appropriations; and to repeal acts and parts of acts,” by amending section 9 (MCL 393.359) and by adding section 10a.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 209**

**Yeas—35**

Ananich  
Bieda  
Booher  
Brandenburg  
Casperson  
Colbeck  
Conyers  
Emmons  
Green

Hansen  
Hertel  
Hildenbrand  
Hood  
Hopgood  
Horn  
Hune  
Jones  
Knezek

Knollenberg  
Kowall  
MacGregor  
Marleau  
Meekhof  
Nofs  
O’Brien  
Pavlov  
Proos

Robertson  
Rocca  
Schmidt  
Schuitmaker  
Shirkey  
Stamas  
Warren  
Zorn

**Nays—0**

**Excused—2**

Gregory

Young

**Not Voting—0**

In The Chair: O’Brien

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 5644, entitled**

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 765 and 795 (MCL 168.765 and 168.795), section 765 as amended by 1996 PA 207 and section 795 as amended by 2004 PA 92, and by adding section 765b.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 210**

**Yeas—35**

Ananich	Hansen	Knollenberg	Robertson
Bieda	Hertel	Kowall	Rocca
Booher	Hildenbrand	MacGregor	Schmidt
Brandenburg	Hood	Marleau	Schuitmaker
Casperson	Hopgood	Meekhof	Shirkey
Colbeck	Horn	Nofs	Stamas
Conyers	Hune	O’Brien	Warren
Emmons	Jones	Pavlov	Zorn
Green	Knezek	Proos	

**Nays—0**

**Excused—2**

Gregory	Young
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**Not Voting—0**

In The Chair: O’Brien

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5646, entitled**

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 509o (MCL 168.509o), as added by 1994 PA 441.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 211****Yeas—35**

Ananich	Hansen	Knollenberg	Robertson
Bieda	Hertel	Kowall	Rocca
Booher	Hildenbrand	MacGregor	Schmidt
Brandenburg	Hood	Marleau	Schuitmaker
Casperson	Hopgood	Meekhof	Shirkey
Colbeck	Horn	Nofs	Stamas
Conyers	Hune	O'Brien	Warren
Emmons	Jones	Pavlov	Zorn
Green	Knezek	Pros	

**Nays—0****Excused—2**

Gregory

Young

**Not Voting—0**

In The Chair: O'Brien

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5669, entitled**

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 2, 497c, 523, 523a, 761, and 813 (MCL 168.2, 168.497c, 168.523, 168.523a, 168.761, and 168.813), section 2 as amended by 2003 PA 302, section 497c as added and sections 523, 761, and 813 as amended by 2012 PA 523, and section 523a as added by 2004 PA 92.

The question being on the passage of the bill,

Senator Ananich offered the following amendment:

1. Amend page 3, following line 20, by inserting:

“(x) **A COUNTY-ISSUED PHOTO IDENTIFICATION CARD.**

(xi) **A MUNICIPALLY ISSUED PHOTO IDENTIFICATION CARD.**

(xii) **A CONCEALED PISTOL LICENSE ISSUED UNDER 1927 PA 372, MCL 28.421 TO 28.435.”.**

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Hood requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 212****Yeas—10**

Ananich  
Bieda  
Conyers

Hertel  
Hood  
Hopgood

Horn  
Knezek

Rocca  
Warren

**Nays—25**

Booher  
Brandenburg  
Casperson  
Colbeck  
Emmons  
Green  
Hansen

Hildenbrand  
Hune  
Jones  
Knollenberg  
Kowall  
MacGregor

Marleau  
Meekhof  
Nofs  
O'Brien  
Pavlov  
Proos

Robertson  
Schmidt  
Schuitmaker  
Shirkey  
Stamas  
Zorn

**Excused—2**

Gregory

Young

**Not Voting—0**

In The Chair: O'Brien

The question being on the passage of the bill,  
The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 213****Yeas—27**

Booher  
Brandenburg  
Casperson  
Colbeck  
Emmons  
Green  
Hansen

Hildenbrand  
Horn  
Hune  
Jones  
Knollenberg  
Kowall  
MacGregor

Marleau  
Meekhof  
Nofs  
O'Brien  
Pavlov  
Proos  
Robertson

Rocca  
Schmidt  
Schuitmaker  
Shirkey  
Stamas  
Zorn

**Nays—8**

Ananich  
Bieda

Conyers  
Hertel

Hood  
Hopgood

Knezek  
Warren

**Excused—2**

Gregory

Young

**Not Voting—0**

In The Chair: O'Brien

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act.”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

Senator Young entered the Senate Chamber.

Senators Stamas, Schmidt, Horn, Jones, Marleau, Brandenburg, Hune and Ananich introduced **Senate Bill No. 950, entitled**

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 513 (MCL 500.513), as added by 2001 PA 24.

The bill was read a first and second time by title and referred to the Committee on Insurance.

Senators Gregory, Knollenberg and Nofs introduced

**Senate Bill No. 951, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” (MCL 760.1 to 777.69) by adding section 5a to chapter II.

The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senators Zorn, Knollenberg and Nofs introduced

**Senate Bill No. 952, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 317a (MCL 750.317a), as added by 2005 PA 167.

The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senator Marleau introduced

**Senate Bill No. 953, entitled**

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 2247.

The bill was read a first and second time by title and referred to the Committee on Insurance.

**House Bill No. 5321, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 40114 (MCL 324.40114), as amended by 2016 PA 356.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Natural Resources.



The Committee on Judiciary reported

**Senate Bill No. 845, entitled**

A bill to amend 1976 PA 223, entitled "An act to create an agency concerned with crime victim services; to prescribe its powers and duties; to provide compensation to certain victims of crimes; to provide for the promulgation of rules; and to provide for penalties," by amending section 10 (MCL 18.360), as amended by 2008 PA 390.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Rick Jones  
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca, Emmons and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 4410, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 2404 (MCL 700.2404), as amended by 2000 PA 177.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Rick Jones  
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca, Emmons and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 5215, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing section 185 (MCL 750.185).

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Rick Jones  
Chairperson

To Report Out:

Yeas: Senators Jones, Emmons and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 5234, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding sections 3g and 3h to chapter XI.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Rick Jones  
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Emmons and Bieda

Nays: Senator Rocca

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, April 17, 2018, at 3:00 p.m., Room 1300, Binsfeld Office Building

Present: Senators Jones (C), Schuitmaker, Rocca, Emmons and Bieda

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Corrections submitted the following:

Meeting held on Tuesday, April 17, 2018, at 12:22 p.m., Room 1100, Binsfeld Office Building

Present: Senators Proos (C), Knollenberg and Gregory

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Health and Human Services submitted the following:

Meeting held on Tuesday, April 17, 2018, at 1:00 p.m., Room 1100, Binsfeld Office Building

Present: Senators MacGregor (C), Marleau, Proos, Shirkey, Gregory, Nofs and Hertel

## COMMITTEE ATTENDANCE REPORT

The Committee on Commerce submitted the following:

Meeting held on Wednesday, April 18, 2018, at 8:30 a.m., Room 1200, Binsfeld Office Building

Present: Senators Schmidt (C), Kowall, MacGregor, O'Brien and Hertel

**Scheduled Meetings**

**Economic Development and International Investment** - Thursday, April 19, 1:30 p.m., Room 1200, Binsfeld Office Building (373-5323)

**Transportation** - Thursday, April 19, 8:00 a.m., Room 1100, Binsfeld Office Building (373-5312)

Senator Kowall moved that the Senate adjourn.

The motion prevailed, the time being 10:35 a.m.

The Assistant President pro tempore, Senator O'Brien, declared the Senate adjourned until Thursday, April 19, 2018, at 10:00 a.m.

JEFFREY F. COBB  
Secretary of the Senate

